REMARKS

STATUS OF CLAIMS:

Claims 1-12 are pending in the application. Claims 5-10 are withdrawn from consideration. Claims 1-4, 11 and 12 stand finally rejected.

SPECIFICATION:

The Examiner objects to the Amendment Under 35 U.S.C. §132 filed on July 21, 2003, as introducing new matter. In particular, the Examiner alleges that the phrase "contained in" that was added to claims 1, 2 and 4 is not supported by the specification.

Applicant respectfully traverses this objection and points the Examiner's attention to various portions of the specification that support this feature. For example, the first line on page 18 describes the charge controlling agent particles 19 (CCA) as being "contained in" mother particles 18. Moreover, the last full paragraph on page 30 describes mother particles 18 as having a plurality of additive particles 19 "entrapped therein" as shown in Figure 9.

Accordingly, Applicant respectfully submits that the amendments made on July 21, 2003, did not introduce new matter because they are fully supported by the specification. Therefore, withdrawal of the objection is respectfully requested.

35 U.S.C. §112:

Claims 1-4, 11 and 12 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner again asserts that there is no support for a CCA particle "contained in" a mother particle. Applicant

respectfully submits that, as noted above, support for the claims is found in the specification. Therefore, the specification would have reasonably conveyed to one skilled in the art that the Applicant, at the time the application was filed, had possession of the claimed invention. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

35 U.S.C. §103:

Claims 1-4, 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Oshiba (U.S. 2002/0110746). Applicant respectfully traverses this rejection in view of the following remarks.

Oshiba fails to teach or suggest the claimed invention. To illustrate this, Applicant provides the following explanation. Generally, in non-magnetic mono-component toner, a CCA is contained in toner mother particles to improve the charge characteristic of the toner mother particles. However, a problem occurs in that as too much CCA is contained in the toner mother particles, the charge of each particle of the toner mother particles becomes too large, leading to a decrease in development effectiveness.

To avoid this problem, in an illustrative, non-limiting embodiment of the non-magnetic mono-component toner of claims 1 and 4, the following inventive equation is included:

$$a \times d < 2.5$$

wherein "a" is the inclination of an approximation straight line of the CCA particles contained in the mother particles, obtained by approximating distribution of particle diameter of the

CCA particles relative to the particle diameter of the mother particles by the least-square method, and "d" (μm) is the volume-based mean particle diameter of the toner. According to this feature, the amount of the CCA to be contained in each particle of the toner mother particles in the illustrative embodiment is controlled to be small, thereby effectively holding down the charge of each particle of the toner. This allows for one to overcome the aforementioned problem.

In contradistinction, a toner for developing an electrostatic image disclosed in Oshiba is a toner containing an amount of not less than 0.1% by mass of a CCA in which the isolation ratio of the CCA is not more than 10% by number. That is, the toner disclosed in Oshiba teaches one to reduce the amount of CCA isolated (liberated) from toner mother particles in order to inhibit the change in the charging property of toner caused by isolated CCA of more than 10% by number. This does not disclose the present invention. In particular, the toner for developing an electrostatic image of Oshiba is not taught to set the CCA contained in toner mother particles to be small in order to solve the aforementioned problem, as in the present invention, and would accordingly not have motivated one to derive the features represented by the equation expressed in the claims.

Accordingly, Applicant respectfully submits that the features of claims 1 and 4 are not obvious in light of Oshiba. Likewise, the features of dependent claims 2, 3, 11 and 12 are not obvious by virtue of their respective dependencies and their individual recitations. Thus, the rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over Oshiba should be withdrawn.

In view of the preceding remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

A Petition for Extension of Time and appropriate fee accompanies this document. The USPTO is directed and authorized to charge all additional required fees (except the Issue Fee and/or the Publication Fee) to our Deposit Account No. 19-4880. Please also credit any over-payment to said Deposit Account.

Respectfully submitted,

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